

## PATENT

REMARKS

In the Office Action, claims 1, 3, 10, and 12 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,945,342 to Steinemann.

In the Office Action, claims 4-7 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,945,342 to Steinemann in view of U.S. Patent No. 5,796,044 to Coblan et al.

In the Office Action, claims 8, 9, 11, and 13-15 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,945,342 to Steinemann in view of U.S. Patent Application Publication No. 2003/0220677 to Doan et al.

In the Office Action, claim 16 is rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,945,342 to Steinemann in view of U.S. Patent Application Publication No. 2003/0220677 to Doan et al. and further in view of U.S. Patent Application Publication No. 2003/0050681 to Pianca et al.

In response thereto, claim 1 has been cancelled and claims 3-8 and 10 have been amended. Accordingly, claims 3-16 are now pending. Following is a discussion of the patentability of each of the pending claims.

Preliminary Matter

Without addressing the merits of the rejection claims 8, 9, 11, 13-15, and 16, in accordance with the American Inventors Protection Act, the Doan et al. reference does not qualify as prior art for a rejection under 35 U.S.C. §103(a) via 35 U.S.C. §102(e) because the present application has been filed on or after November 29, 1999 and the subject matter of the Doan et al. reference and the pending claims were, at the time the invention was made, subject to an obligation of assignment to the same organization (see section entitled "Obligation of Assignment to the Same Organization" ). Accordingly, the Doan et al. reference no longer qualifies as prior art under 35 USC §103(a) via 35 USC §102(e), and it is respectfully submitted that claims 8, 9, 11, 13-15, and 16 are in condition for allowance.

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Obligation of Assignment to the Same Organization

Ronald Tamura, an attorney of record for the present application, states that Application Serial Number 10/802,462 and U.S. Patent Application Publication No. 2003/0220677 were, at the time the invention of Application Serial Number 10/802,462 was made, owned by Pacesetter, Inc. or subject to an obligation of assignment to Pacesetter, Inc.

Independent Claim 8

As discussed previously, claim 8 is allowable over the prior art of record. Claim 8 has been rewritten in independent form including all of the limitations of base claim 1. It is respectfully submitted that amended claim 8 is in condition for allowance.

Dependent Claims 3-7 and 9-13

Claims 3-7 and 9-13 depend from claim 8 and are similarly patentable. Accordingly, it is respectfully submitted that these claims are in condition for allowance.

Independent Claim 14

As discussed previously, claim 14 is allowable over the prior art of record. Accordingly, it is respectfully submitted that claim 14 is in condition for allowance.

Dependent Claims 15 and 16

Claims 15 and 16 depend from claim 14 and are similarly patentable. Accordingly, it is respectfully submitted that these claims are in condition for allowance.

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**CONCLUSION**

In light of the above amendments and remarks, it is respectfully submitted that the application is in condition for allowance, and an early notice of allowance is requested.

Respectfully submitted,

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Date

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